

**2013 CITY OF SAN JOSE – MEF NEGOTIATIONS  
TENTATIVE AGREEMENT**

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**UNION PROPOSAL #3 – LAYOFF**

City Counterproposal:

11.2 Order of Layoff. When one or more employees in the same class in a City department are to be laid off for lack of work, purposes of economy, curtailment of positions or other reason, the order of layoff shall be as follows:

11.2.1 Provisional employees in the order to be determined by the appointing authority.

11.2.2 Probationary employees in the order to be determined by the appointing authority.

11.2.3 Permanent employees in inverse order of seniority within the classification being reduced, or in a higher class.

11.2.3.1 The City will notify the Union within three (3) working days when a new or updated seniority list for each and every classification pertaining to any employee(s) represented by the Union has been posted or updated. The determination of seniority based on Sections 11.2.3.2 and 11.2.3.3, if applicable, shall be made prior to the publication of a seniority list.

11.2.3.2 If two or more permanent employees have the same class seniority, then ranking is based on Citywide seniority.

11.2.3.3 If two (2) or more permanent employees have the same class and the same Citywide seniority, then ranking is based on the scores on the eligible list that was used for the original hiring in the classification or the quantitative examination scores used for the original hiring in the classification. In the absence of eligible list scores or quantitative examination scores used in the original hiring, ranking on the seniority list shall be determined as follows:

(a) The sum total of the last four (4) digits of the employee's social security number will determine seniority, with the lowest sum total being the least senior and the highest sum total being the most senior on the established list.

(b) In the event that the sum total of the last four (4) digits of the employee's social security number should result in a tie, a random draw shall be conducted consisting only of the employees with the sum total tie. The first drawn name will be the least senior and the last name drawn will be the most senior on the established list.

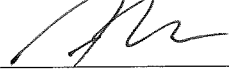
11.2.4 Permanent employees shall be given every opportunity for transfer to other departments when layoff is pending.

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*\*This agreement is considered tentative and shall not be considered final or binding until a final agreement on all terms has been reached and both ratified by union members and approved by the City Council.*

**FOR THE CITY:**

 6-6-13  
\_\_\_\_\_  
Alex Gurza Date  
Deputy City Manager

**FOR THE UNIONS:**

 6/6/13  
\_\_\_\_\_  
Yolanda Cruz Date  
President  
MEF, AFSCME Local 101

 6/6/13  
\_\_\_\_\_  
Charles Allen Date  
Business Agent  
AFSCME, Local 101